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EXAMINER DANIEL JR, WILLIE J				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary

Application No.

10/052,030

Applicant(s)

MARCIAN ET AL.

Examiner

WILLIE J. DANIEL JR

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-48, 50 and 51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-48, 50 and 51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 23 June 2009. **Claims 1 and 3-48, and 50-51** are now pending in the present application and **claims 2 and 49** are canceled. This office action is made **Final**.

Claim Objections

2. **Claims 5, 32, and 37-48** are objected to because of the following informalities:
 - a. Claim 5 recites the limitation "...wherein **the an** active..." in line(s) 2 of the claim. The Examiner interprets as --wherein the active-- and suggests replacing said limitation to help clarify the claim language.
 - b. Claim 32 recites the limitation "...that is **that is** configured..." in line(s) 4-5 of the claim. The Examiner interprets as --that is configured-- and suggests replacing said limitation to help clarify the claim language.
 - c. Claims 37-48 include the limitation "...computer-**implemented** medium..." as recited in line(s) 1 of claim 37. The Examiner interprets as --**computer-readable** medium-- (see claim 36, line 1) and suggests replacing said limitation to have proper **antecedent** and help clarify the claim language.Appropriate correction is required.
3. This list of examples is not intended to be exhaustive. The Examiner respectfully requests the applicant to review all claims and clarify the issues as listed above as well as any other issue(s) that are not listed.

Claim Rejections - 35 USC § 112

4. The 112 rejections applied to the claims are withdrawn.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 4-7, 10, 12, 17, 32, and 38 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

- a. Claims 1, 4-7, 10, 12, 17, 32, and 38 include the limitation "...configured to be..." (or a variation) as recited in line(s) 2-3 of claim 1. The claim language does not *positively* indicate that a component (or device) is executing the function(s). See MPEP § 2111.04.

Regarding claims 1, 4-7, 10, 12, 17, 32, and 38, the language of the claim(s) raises a question as to the limiting effect of the claim. For example, the claim language does not **positively** convey a *process* or *method* that is performed by an *apparatus* or *machine*. The Examiner recommends that the applicant clarify the claim language as supported by the specification.

6. Due to the 101 rejection of the current claim language, the Examiner has given a reasonable interpretation of said language and the claims are rejected as broadest and best interpreted. In addition, applicant is welcomed to point out where in the specification the Examiner can find support for this language if Applicant believes otherwise.

7. This list of examples is not intended to be exhaustive. The Examiner respectfully requests the applicant to review all claims and clarify the issues as listed above as well as any other issue(s) that are not listed.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 10-14, 16-17, 22, 24-26, and 28-29 are rejected under 35 U.S.C. 102(e) as being anticipated by **Alanara et al.** (hereinafter Alanara) (**US 6,292,668 B1**).

Regarding **claim 10**, Alanara discloses a computer-readable medium (14) embodying computer-executable instructions which, when executed by a processor, implement with an active messaging client software (see col. 21, lines 9-27), where the system includes a mobile station (1) for transmitting short text messages via a short text messaging service comprising:

active messaging loader software configured to distinguish and direct short text messages to a digital cellular telephone (1) according to whether the short text messages include an active message script (see col. 6, lines 29-60; col. 14, lines 13-38), where the active messaging loader would be implicit as evidenced by the fact that one of ordinary skill in the art would clearly recognize;

wherein the active message script comprises at least one command to facilitate an on-

going negotiation between two or more users (see col. 6, lines 29-60; col. 10, line 26 - col. 11, line 12; col. 14, lines 13-38), where the menu application and/or services can be updated in which a rerun would be implicit to install/add/incorporate the updated features into the menu application and/or services (see col. 11, line 64 - col. 12, line 3; col. 16, lines 1-12; col. 4, lines 46-52; col. 5, lines 11-16,35-38; Figs. 1-2),

wherein the at least one command is to:

rerun a prior active message script with a starting parameter different than a previous starting parameter, or rerun a previously-installed active message script with a different starting parameter (see col. 6, lines 29-60; col. 10, line 26 - col. 11, line 12; col. 14, lines 13-38), where the menu application and/or services can be updated in which a rerun would be implicit to install/add/incorporate the updated features into the menu application and/or services (see col. 11, line 64 - col. 12, line 3; col. 16, lines 1-12);

script interpreter which reads on the claimed "active message interpreter software" employed by the digital cellular telephone (1), the active message interpreter software configured to interpret and execute the active message script (see col. 10, line 26 - col. 11, line 12; col. 13, lines 4-9; col. 14, lines 13-25; col. 21, lines 9-27; Figs. 1, 3, and 8-11), where the system provides an application for creating scripts for the menu application in which the scripts are interpreted to execute the command sequences of the script,

the active message script transmitted from an active message gateway configured to install applications onto the digital cellular telephone (1) (see col. 10, lines 33-38,60-62), where additional applications and services can be provided over the air,

wherein the installed applications are executed from a phone menu at least in part on the digital cellular telephone (1) (see col. 10, lines 1-4, 12-16, 19-21, 26-33; col. 10, line 42 - col. 11, line 12; Figs. 7 and 10-11), where the user can select applications such as travel, service, and/or phone application that accessible and executed via a menu;

an active message file manager that at least one of adds, removes, or renames an active message application (see col. 10, lines 26-35; col. 10, line 42 - col. 11, line 12; col. 11, line 64 - col. 12, line 9; col. 14, lines 17-21), where the application (17, 18) includes scripts of command sequences according to the menu operation in which the active message file manager would be implicit for storing in the memory (14) as evidenced by the fact that one of ordinary skill in the art would clearly recognize. The processor (8) manages the control and files of the terminal. ;

active message script composition software (e.g., application menus) configured to function as a compiler to generate an active message based in part on the active message script (see col. 10, lines 26-32; col. 13, lines 4-9; col. 14, lines 13-25; col. 21, lines 9-27; Figs. 1, 3, 8-11), where the system provides an application for generating messages and creating scripts for the menu application in which the scripts are interpreted to execute the command sequences of the script; and

a user interface (e.g., UI combination of 15 & 16) configured to display the active message script provided by an active message script composition software (e.g., application menus) as an application specified by a user (see col. 3, lines 60-66; col. 10, lines 26-32; col. 13, lines 4-9; col. 14, lines 13-25; col. 21, lines 9-34; Figs. 1, 3, 8-11), where the system

provides an application for generating messages and creating scripts for the menu application in which the scripts are interpreted to execute the command sequences of the script.

Regarding **claim 11**, Alanara discloses the medium of claim 10, wherein individual short text messages include a header, and wherein short text messages that have an active message script include an indication of active message script in the header (see col. 3, lines 23-26,35-39; col. 6, lines 29-60; col. 19, line 46 - col. 20, line 25; Figs. 4A-5).

Regarding **claim 12**, Alanara discloses the computer-readable medium of claim 10 further comprising active message file manager software to which the active messaging loader directs one or more of the short text messages that include active message script, wherein the active message file manager is configured to provide storage of the active message script in a file system included on the computer readable medium (14) (see col. 3, lines 23-26; col. 6, lines 29-53; col. 7, lines 53-56; col. 10, lines 26-35; col. 11, line 64 - col. 12, line 9; col. 14, lines 13-25; Figs. 3, 8, and 9), where the application (17, 18) includes scripts of command sequences according to the menu operation in which the active message file manager would be implicit for storing in the memory (14) as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

Regarding **claim 13**, Alanara discloses the computer-readable medium of claim 10, wherein the digital cellular telephone (1) includes a subscribed identity module (SIM card) with an identity module computer-readable medium (14) and in which the active messaging loader software and the active message interpreter software are stored (see col. 6, lines 29-60; col. 14, lines 13-38; col. 21, lines 9-27; Fig. 9), where the active messaging loader would be implicit as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

Regarding **claim 14**, Alanara discloses the computer-readable medium of claim 10, wherein in which active message interpreter software includes a global string buffer (GB) that is used for building character strings and a last result buffer (LRB) that is used for storing a most recent result (see col. 10, lines 1-10,19-25,31-35; col. 11 line 64 - col. 12, line 20; col. 14, lines 13-25,41-55; Figs. 9-11), where the application of the system can create menus for requesting information to be received and/or stored in the memory in which the GB and LRB are implicit as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

Regarding **claim 16**, Alanara discloses the computer-readable medium of claim 10, wherein the active message script has a format comprising:

<Instruction><Flags>[<Data>][<Address>], wherein the <Instruction> field specifies a command to be executed, the <Flags> field specifies one or more options for the command, the <Data> field specifies any data associated with the command, and the <Address> field is a byte-address of an instruction to be executed under predefined conditions related to the command (see col. 6, lines 12-41; col. 9, lines 47-55; col. 12, lines 10-21; col. 13, lines 11-39; Figs. 5, 7, and 10-11).

Regarding **claim 17**, Alanara discloses a computer-readable medium (14) of a digital cellular telephone (1), the computer-readable medium embodying computer-readable instructions which, when executed by a processor, implement an active message script data structure for active messages transmitted from an active messaging gateway, the message gateway configured to install applications onto the digital cellular telephone via a short text messaging service, wherein the installed applications are executable from a phone menu

associated with the digital cellular telephone (1) (see col. 10, lines 1-4, 12-16, 19-21, 26-33; col. 10, line 42 - col. 11, line 12; Figs. 7 and 10-11), where the user can select applications such as travel, service, and/or phone application that accessible and executed via a menu and additional applications and services can be provided over the air (see col. 10, lines 33-38, 60-62; Figs. 1 and 7-11) and an active message script provided by an active message script composition software (e.g., application menus) as an application specified by a user displayed via a user interface (e.g., UI combination of 15 & 16) (see col. 3, lines 60-66; col. 10, lines 26-32; col. 13, lines 4-9; col. 14, lines 13-25; col. 21, lines 9-34; Figs. 1, 3, 8-11), where the system provides an application for generating messages and creating scripts for the menu application in which the scripts are interpreted to execute the command sequences of the script,

wherein the active message script comprises at least one command to facilitate an on-going negotiation between two or more users (see col. 6, lines 29-60; col. 10, line 26 - col. 11, line 12; col. 14, lines 13-38), where the menu application and/or services can be updated in which a rerun would be implicit to install/add/incorporate the updated features into the menu application and/or services (see col. 11, line 64 - col. 12, line 3; col. 16, lines 1-12; col. 4, lines 46-52; col. 5, lines 11-16, 35-38; Figs. 1-2),

wherein the at least one command is to:

rerun a prior active message script with a starting parameter different than a previous starting parameter, or rerun a previously-installed active message script with the different starting parameter (see col. 6, lines 29-60; col. 10, line 26 - col. 11, line 12; col. 14, lines 13-38), where the menu application and/or services can be updated in which a rerun would be

implicit to install/add/incorporate the updated features into the menu application and/or services (see col. 11, line 64 - col. 12, line 3; col. 16, lines 1-12),

wherein the active message script data structure comprises the following instruction format:

<Instruction><Flags>[<Data>][<Address>] wherein <Instruction> field specifies a command to be executed, and wherein the <Flags> field is one byte in and specifies one or more options for the command, and wherein the <Data> field is one byte in and specifies any data associated with the command, and wherein the <Address> field is two byte in and is a byte-address of an instruction to be executed under predefined conditions related to the command (see col. 6, lines 12-41; col. 9, lines 47-55; col. 12, lines 10-21; col. 13, lines 11-39; Figs. 4b, 5, 7, and 10-11), where the system provides the short text messages with scripts that relate to particular applications (e.g., menu application) in which the command sequences are executed. The field size can be up to several bytes in size.

Regarding **claim 22**, Alanara discloses the computer-readable medium of claim 17, further including a send message instruction associated with the instruction field for transmitting a short text message, destination flags associated with the flag field optionally specifying a destination for the short text message, and a text string associated with the data field and optionally specifying a destination for the short text message (see col. 4, lines 43-52; col. 11, line 64 - col. 12, line 20; col. 12, lines 62-64; col. 16, lines 1-12; Figs. 1, 7, and 10-11).

Regarding **claim 24**, Alanara discloses the computer-readable medium of claim 17, further including a location instruction associated with the instruction field for obtaining

location information about a location of the digital cellular telephone (1), and a destination flag associated with the flag field optionally specifying where the location information is to be stored (see col. 9, lines 43-67).

Regarding **claim 25**, Alanara discloses the computer-readable medium of claim 17, further including an execute instruction associated with the instruction field for initiating execution of an active message file stored on the digital cellular telephone (1), a file identification flag associated with the flag field optionally identifying the active message file to be executed, and a text string associated with the data field and optionally identifying the active message file to be executed (see col. 14, lines 47-65; Figs. 5 and 10), where the terminal is able to playback stored files.

Regarding **claim 26**, Alanara discloses the computer-readable medium of claim 17, further including an execute instruction associated with the instruction field for initiating execution of an active message file stored on the digital cellular telephone (1), a file identification flag associated with the flag field optionally identifying the active message file to be executed (see col. 14, lines 47-65; Figs. 5 and 10), where the terminal is able to playback stored files.

Regarding **claim 28**, Alanara discloses the computer-readable medium of claim 17, further including an addressbook instruction associated with the instruction field for directing retrieval of information from an addressbook stored on the digital cellular telephone, and an

addressbook entry flag associated with the flag field for specifying one or more addressbook entries to be retrieved (see col. 7, lines 7-15,34-39; Fig. 6).

Regarding **claim 29**, Alanara discloses the computer-readable medium of claim 17, further including an application instruction associated with the instruction field for identifying an application to be utilized by another service (see col. 10, line 44 - col. 11, line 12; col. 14, lines 13-38; Figs. 7 and 10-11), where the application can create multiple menu application to be used by internally stored information or external servers for providing information. The “Business card” application can be used by the “Short dial” application (see col. 7, lines 34-42) and downloaded “Ringing tones” can be played back by an internal playback program which would be implicit as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-9, 30-33, 35-39, 41-46, and 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Alanara et al.** (hereinafter Alanara) (**US 6,292,668 B1**) in view of **Zhang et al.** (hereinafter Zhang) (**US 7,082,312 B2**).

Regarding **claim 1**, Alanara discloses an active messaging system in communication with a short text messaging service of a digital mobile communications systems which reads

on the claimed “digital cellular telephone system” (see col. 4, lines 26-42; col. 6, lines 29-38; Figs. 1-2 and 8), comprising:

an application (17, 18) which reads on the claimed “active messaging client” stored in a memory (14) which reads on the claimed “computer-readable medium” of a terminal (1) which reads on the claimed “digital cellular telephone” (see col. 10, lines 26-32; col. 13, lines 4-9; col. 14, lines 13-25; col. 21, lines 9-27; Figs. 1, 3, and 8-11), where the system provides an application for creating scripts for the menu application in which the scripts are interpreted to execute the command sequences of the script,

wherein the active messaging client includes an active message file manager configured to at least one of add, remove or rename an active message application (see col. 10, lines 26-35; col. 10, line 42 - col. 11, line 12; col. 11, line 64 - col. 12, line 9; col. 14, lines 17-21), where the application (17, 18) includes scripts of command sequences according to the menu operation in which the active message file manager would be implicit for storing in the memory (14) as evidenced by the fact that one of ordinary skill in the art would clearly recognize. The processor (8) manages the control and files of the terminal. ,

wherein the active messaging client is configured to interpret and execute an active message script included in a short text message received at the digital cellular telephone (1) by radiant transmission (see col. 10, lines 26-32; col. 13, lines 4-9; col. 14, lines 13-25; col. 21, lines 9-27; Figs. 1, 3, 8-11), where the system provides an application for creating scripts for the menu application in which the scripts are interpreted to execute the command sequences of the script,

wherein the active messaging client is configured to employ an user interface (e.g., UI

combination of 15 & 16) to create at least one of an active message or an application (see col. 3, lines 60-66; col. 10, lines 26-32; col. 13, lines 4-9; col. 14, lines 13-25; col. 21, lines 9-34; Figs. 1, 3, 8-11), where the system provides an application for generating messages and creating scripts for the menu application in which the scripts are interpreted to execute the command sequences of the script,

wherein the user interface is configured to display (e.g., UI combination of 15 & 16) the active message script as a displayed application (e.g., application menus) specified by a user (see col. 3, lines 60-66; col. 10, lines 26-32; col. 13, lines 4-9; col. 14, lines 13-25; col. 21, lines 9-34; Figs. 1, 3, 8-11), where the system provides an application for generating messages and creating scripts for the menu application in which the scripts are interpreted to execute the command sequences of the script;

wherein the active message script comprises at least one command to facilitate an on-going negotiation between two or more users (see col. 6, lines 29-60; col. 10, line 26 - col. 11, line 12; col. 14, lines 13-38), where the menu application and/or services can be updated in which a rerun would be implicit to install/add/incorporate the updated features into the menu application and/or services (see col. 11, line 64 - col. 12, line 3; col. 16, lines 1-12; col. 4, lines 46-52; col. 5, lines 11-16,35-38; Figs. 1-2),

wherein the at least one command is to:

rerun a prior active message script with a starting parameter different than a previous starting parameter or rerun a previously-installed active message script with a starting parameter (see col. 6, lines 29-60; col. 10, line 26 - col. 11, line 12; col. 14, lines 13-38), where the menu application and/or services can be updated in which a rerun would be

implicit to install/add/incorporate the updated features into the menu application and/or services (see col. 11, line 64 - col. 12, line 3; col. 16, lines 1-12); and

a server gateway (SERV GTW) which reads on the claimed “active message gateway” configured to be communicatively linked with the short text messaging service to receive short text messages from the digital cellular telephone (1) (see col. 14, lines 26-38; Figs. 1-3 and 8), where the system can forward messages according to the application for special services,

wherein the active message gateway (SERV GTW) is configured to create active messages containing installable active message scripts for applications transmitted to and installed on the digital cellular telephone (1) (see col. 10, lines 33-38,60-62), where additional applications and services can be provided over the air. As a note, Alanara teaches of selectively forwarding the short text messages according to whether they include an active message script (see col. 14, lines 26-38; Figs. 1-3 and 8), where the system can forward messages according to the application for special services. Alanara does not specifically disclose having the feature an active message gateway selectively forward the short text messages according to whether the short text messages include the active message script or one or more other active message scripts. However, the examiner maintains that the feature an active message gateway selectively forwarding the short text messages according to whether the short text messages include the active message script or one or more other active message scripts, as taught by Zhang.

In the same field of endeavor, Zhang discloses the feature a short message service gateway (120) which reads on the claimed “active message gateway” selectively forwarding

the short text messages according to the short text messages include the active message script (e.g., service code request) or one or more other active message scripts (see col. 3, lines 18-41; col. 4, lines 4-15; Fig. 1). As a note, Zhang at the least further discloses the features an active message gateway (120) in communication with the short text messaging service to receive short text messages from the digital cellular telephone (151) (see col. 3, lines 18-41; col. 5, lines 14-24,33-44; Figs. 1 and 4 “ref. 405 and 408”), where the daemon (127) can receive or send short messages to mobile telephone (e.g., 141-142) and the users log in to establish private communication (see col. 3, lines 33-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Alanara and Zhang to have the feature an active message gateway selectively forwarding the short text messages according to whether the short text messages include the active message script or one or more other active message scripts, in order to provide a system and method of providing information service by making use of short messages, as taught by Zhang (see col. 1, lines 51-55).

Regarding **claim 3**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 1), in addition Alanara further discloses the active messaging system of claim 1, wherein individual short text messages include a header, and wherein the short text messages that have an active message script include an indication of active message script in the header (see col. 3, lines 23-26,35-39; col. 6, lines 29-60; col. 19, line 46 - col. 20, line 25; Figs. 4A-5).

Regarding **claim 4**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 1), in addition Alanara further discloses the active

messaging system of claim 1, wherein the active messaging client includes an active message interpreter to which an active messaging loader directs short text messages that include an active message script, wherein the active message interpreter is configured to provide interpretation and execution of the active message script (see col. 10, lines 26-32; col. 13, lines 4-9, col. 14, lines 13-25; Figs. 8-11), where the active messaging loader would be implicit as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

Regarding **claim 5**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 1), in addition Alanara further discloses the active messaging system of claim 1, wherein the an active message file manager to which an active messaging loader directs short text messages that include an active message script, wherein the active message file manager is configured to provide storage of the active message script in a file system included on the digital cellular telephone (1) (see col. 3, lines 23-26; col. 6, lines 29-53; col. 7, lines 53-56; col. 10, lines 26-35; col. 11, line 64 - col. 12, line 9; col. 14, lines 13-25; Figs. 3, 8, and 9), where the application (17, 18) includes scripts of command sequences according to the menu operation in which the active message file manager would be implicit for storing in the memory (14) as evidenced by the fact that one of ordinary skill in the art would clearly recognize. The processor (8) manages the control and files of the terminal.

Regarding **claim 6**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 1), in addition Alanara further discloses the active messaging system of claim 1 in which the active messaging client includes an active message interpreter configured to receive the active message script and perform interpretation and

execution of the active message script (17, 18) (see col. 14, lines 13-25).

Regarding **claim 7**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 1), in addition Alanara further discloses the active messaging system of claim 1, wherein the active messaging client includes an active message file manager configured to receive the active message script and provide storage of the active message script in a file system included on the digital cellular telephone (1) (see col. 21, lines 9-27; col. 22, lines col. 3, lines 23-26; col. 6, lines 29-53; col. 7, lines 53-56; col. 10, lines 26-35; col. 11, line 64 - col. 12, line 9; col. 14, lines 13-25; Figs. 3, 8, and 9), where the application (17, 18) includes scripts of command sequences according to the menu operation in which the active message file manager would be implicit for storing in the memory (14) as evidenced by the fact that one of ordinary skill in the art would clearly recognize. The processor (8) manages the control and files of the terminal.

Regarding **claim 8**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 1), in addition Alanara further discloses the active messaging system of claim 1 further comprising one or more application servers (e.g., Internet, content service providers) in communication with the active message gateway (SERV GTW), individual application servers providing an active message application or service in response to a request directed from the digital cellular telephone (1) (see col. 14, lines 26-38; Figs. 1-2 and 8-11).

Regarding **claim 9**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 1), in addition Alanara further discloses the active messaging system of claim 8, wherein the active message gateway (SERV GTW) includes an

active messaging connector service that provides communication between the short text messaging service and one or more active message service interfaces to the one or more application servers (see col. 5, lines 35-44; col. 10, lines 1-10,19-25; col. 14, lines 26-38; col. 15, lines 1-11; Figs. 2 and 8-11), where the terminal is provided the special service information from the specific provider of the services.

Regarding **claim 30**, Alanara discloses a computer-implemented active message gateway method (Figs. 1-2, 8, and 10-11), comprising:

receiving at an active message gateway a plurality of short text messages transmitted from a mobile telephone (1) (see col. 5, lines 34-51; Figs. 2 and 8);

interpreting one or more the active message scripts in the script containing short text messages and transmitting at least one corresponding response (see col. 10, lines 1-10,19-25; col. 14, line 13-38; Figs. 10-11),

wherein at least one of the one or more active message scripts is executable on the active message gateway (see col. 5, lines 34-51; col. 10, lines 1-11; Figs. 2 and 7-8), and

wherein at least one active message script or at least one other of the one or more active message scripts comprises a command to facilitate an on-going negotiation between two or more users (see col. 6, lines 29-60; col. 10, line 26 - col. 11, line 12; col. 14, lines 13-38), where the menu application and/or services can be updated in which a rerun would be implicit to install/add/incorporate the updated features into the menu application and/or services (see col. 11, line 64 - col. 12, line 3; col. 16, lines 1-12; col. 4, lines 46-52; col. 5, lines 11-16,35-38; Figs. 1-2),

wherein the command is to:

rerun a prior active message script with a starting parameter different than a previous starting parameter, or rerun a previously-installed active message script with the different starting parameter (see col. 6, lines 29-60; col. 10, line 26 - col. 11, line 12; col. 14, lines 13-38), where the menu application and/or services can be updated in which a rerun would be implicit to install/add/incorporate the updated features into the menu application and/or services (see col. 11, line 64 - col. 12, line 3; col. 16, lines 1-12);

generating, by the active message gateway, at least one of an active message or an application based at least in part on the active message script (see col. 10, lines 26-32; col. 13, lines 4-9; col. 14, lines 13-25; col. 21, lines 9-27; Figs. 1, 3, 8-11), where the system provides an application for generating messages and creating scripts for the menu application in which the scripts are interpreted to execute the command sequences of the script; and

transmitting at least one of: one or more of the script containing short text messages or one or more additional short text messages to the mobile telephone (1) to provide at least one installable applications to the mobile telephone (1) (see col. 10, lines 33-38,60-62), where additional applications and services can be provided over the air. As a note, Alanara further teaches of the features distinguishing among the short text messages ones that include an active message script from ones that do not include an active message script, the short text messages that do not include an active message script including destination addresses corresponding to short text messaging destinations (see col. 4, lines 46-52; col. 5, lines 11-21; col. 14, lines 26-38; Figs. 1 and 8); forwarding the short text messages that do not include an active message script to the short text messaging destinations corresponding to the destination addresses (see col. 4, lines 46-52; col. 5, lines 11-21; Fig. 1). Alanara does not

specifically disclose having the features distinguishing, from the plurality of short text messages, script containing short text messages; forwarding one or more non-script containing short text messages that do not include at least one active message script to the short text messaging destinations corresponding to the destination addresses. However, the examiner maintains that the features distinguishing, from the plurality of short text messages, script containing short text messages; forwarding one or more non-script containing short text messages that do not include at least one active message script to the short text messaging destinations corresponding to the destination addresses was well known in the art, as taught by Zhang.

Zhang further discloses the features distinguishing, from the plurality of short text messages, script (e.g., service code request) containing short text messages (see col. 3, lines 18-41; col. 5, lines 33-44; Figs. 1 and 4 “ref. 405 and 408”);

forwarding one or more non-script containing short text messages that do not include at least one active message script (e.g., service code request) to the short text messaging destinations corresponding to the destination addresses (see col. 3, lines 18-41; col. 5, lines 33-44; Figs. 1 and 4 “ref. 405 and 408”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Alanara and Zhang to have the features distinguishing, from the plurality of short text messages, script containing short text messages; forwarding one or more non-script containing short text messages that do not include at least one active message script to the short text messaging destinations corresponding to the destination addresses, in order to provide a system and method of

providing information service by making use of short messages, as taught by Zhang (see col. 1, lines 51-55).

Regarding **claim 31**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 30), in addition Alanara further discloses the computer-implemented method of claim 30, further comprising authenticating that the mobile telephone (1) is associated with the active message gateway prior to interpreting the active message script (see col. 9, lines 1-12; col. 13, line 40 - col. 14, line 26). As a note, Zhang further discloses the limitations of the claim (see Figs. 1-6).

Regarding **claim 32**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 30), in addition Alanara further discloses the computer-implemented method of claim 30, further comprising:

determining whether the active message script is to be executed locally by the active message gateway (SERV GTW) or remotely by an application server (e.g., Internet; content service provider) that is that is configured to be communicatively linked with the active message gateway (SERV GTW) (see col. 14, lines 13-38; Figs. 2, 8, 10-11); and

executing the active message script at the active message gateway (SERV GTW) or the remote application server (e.g., Internet; content service provider) according to the determination (see col. 14, lines 13-38; Figs. 2, 8, and 10-11). As a note, Zhang further discloses the limitations of the claim (see Figs. 1-6).

Regarding **claim 33**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 32), in addition Alanara further discloses the computer-implemented method of claim 32, wherein the active message script is executed at the remote

application server (e.g., Internet; content service provider), the method further comprising re-formatting the active message script at the active message gateway before transmitting the active message script to the remote application server for execution (see col. 17, lines 7-45,63-67; Fig. 7), where the SMS messages are re-formatted for HTML code communication with an internet server for requesting of information via the mobile terminal. As a note, Zhang further discloses the limitations of the claim (see Figs. 1-6).

Regarding **claim 35**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 30), in addition Alanara further discloses the computer-implemented method of claim 30, further comprising:

determining whether the active message script is to be executed locally by the active message gateway (SERV GTW) or remotely by another mobile telephone (MS2) (see col. 6, lines 29-34; col. 14, lines 13-38; Figs. 1 and 8); and

executing the active message script at the active message gateway (SERV) or at the other mobile telephone (MS2) according to the determination (see col. 6, lines 29-34; col. 14, lines 13-38; Figs. 1 and 8-11). As a note, Zhang further discloses the limitations of the claim (see Figs. 1-6).

Regarding **claim 36**, Alanara discloses a computer readable medium embodying computer-executable instructions which, when executed by a processor, implement a short text messaging system (see Figs. 1-2 and 8), comprising:

software for receiving, at an active message gateway, short text messages transmitted from a mobile telephone (1) (see col. 5, lines 34-51; Figs. 2 and 8);

software for interpreting, at the active message gateway, active message script in the script containing short text messages and transmitting any corresponding response (see col. 10, lines 1-10,19-25; col. 14, line 13-38; Figs. 10-11),

wherein the active message script comprises at least one gateway command for the active message gateway (see col. 5, lines 34-51; col. 10, lines 1-11; Figs. 2 and 7-8), and

at least one rerun command to facilitate an on-going negotiation between two or more users (see col. 6, lines 29-60; col. 10, line 26 - col. 11, line 12; col. 14, lines 13-38), where the menu application and/or services can be updated in which a rerun would be implicit to install/add/incorporate the updated features into the menu application and/or services (see col. 11, line 64 - col. 12, line 3; col. 16, lines 1-12; col. 4, lines 46-52; col. 5, lines 11-16,35-38; Figs. 1-2),

wherein the at least one command is to:

rerun a prior active message script with a starting parameter different than a previous starting parameter, or rerun a previously-installed active message script with the starting parameter (see col. 6, lines 29-60; col. 10, line 26 - col. 11, line 12; col. 14, lines 13-38), where the menu application and/or services can be updated in which a rerun would be implicit to install/add/incorporate the updated features into the menu application and/or services (see col. 11, line 64 - col. 12, line 3; col. 16, lines 1-12);

software (e.g., application menus) for creating, at the active message gateway, at least one of an active message or an application based at least in part on the active message script (see col. 10, lines 26-32; col. 13, lines 4-9; col. 14, lines 13-25; col. 21, lines 9-27; Figs. 1, 3, 8-11), where the system provides an application for generating messages and creating scripts

for the menu application in which the scripts are interpreted to execute the command sequences of the script; and

software for transmitting, at the active message gateway, at least one of: one or more of the script containing short text messages or one or more additional short text messages to the mobile telephone (1) to provide at least one installable applications to the mobile telephone (1) (see col. 10, lines 33-38,60-62), where additional applications and services can be provided over the air. As a note, Alanara further teaches of the features software for distinguishing among the short text messages script containing short text messages from non-script containing short text messages, the non-script containing short text messages including destination addresses corresponding to short text messaging destinations (see col. 4, lines 46-52; col. 5, lines 11-21; col. 14, lines 26-38; Figs. 1 and 8); software for forwarding the short text messages that do not include an active message script to the short text messaging destinations corresponding to the destination addresses (see col. 4, lines 46-52; col. 5, lines 11-21; Fig. 1). Alanara does not specifically disclose having the features software for distinguishing among the short text messages script containing short text messages from non-script containing short text messages, the non-script containing short text messages including destination addresses corresponding to short text messaging destinations; software for forwarding the script containing short text messages to the short text messaging destinations corresponding to the destination addresses. However, the examiner maintains that the features software for distinguishing among the short text messages script containing short text messages from non-script containing short text messages, the non-script containing short text messages including destination addresses corresponding to short text messaging

destinations; software for forwarding the script containing short text messages to the short text messaging destinations corresponding to the destination addresses was well known in the art, as taught by Zhang.

Zhang further discloses the features software for distinguishing among the short text messages script containing short text messages from non-script containing short text messages, the non-script containing short text messages including destination addresses corresponding to short text messaging destinations (see col. 3, lines 18-41; col. 5, lines 33-44; Figs. 1 and 4 “ref. 405 and 408”);

software for forwarding the script containing short text messages to the short text messaging destinations corresponding to the destination addresses, in order to provide a system and method of providing information service by making use of short messages (see col. 3, lines 18-41; col. 5, lines 33-44; Figs. 1 and 4 “ref. 405 and 408”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Alanara and Zhang to have the features software for distinguishing among the short text messages script containing short text messages from non-script containing short text messages, the non-script containing short text messages including destination addresses corresponding to short text messaging destinations; software for forwarding the script containing short text messages to the short text messaging destinations corresponding to the destination addresses, in order to provide a system and method of providing information service by making use of short messages, as taught by Zhang (see col. 1, lines 51-55).

Regarding **claim 37**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 36), in addition Alanara further discloses the computer-implemented medium of claim 36 further comprising software for authenticating that the mobile telephone (1) is associated with the active message gateway (SERV) prior to interpreting the active message script (see col. 9, lines 1-12; col. 13, line 40 - col. 14, line 26). As a note, Zhang further discloses the limitations of the claim (see Figs. 1-6).

Regarding **claim 38**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 36), in addition Alanara further discloses the computer-implemented medium of claim 36 further comprising:

software for determining whether the active message script is to be executed locally by the active message gateway (SERV GTW) or remotely by an application server (e.g., Internet; content service provider) that is in computer network communication with the active message gateway (SERV GTW) (see col. 14, lines 13-38; Figs. 2, 8, and 10-11); and

software for executing the active message script at the active message gateway or the remote application server (e.g., Internet; content service provider) according to the determination (see col. 14, lines 13-38; Figs. 2, 8, and 10-11). As a note, Zhang further discloses the limitations of the claim (see Figs. 1-6).

Regarding **claim 39**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 38), in addition Alanara further discloses the computer-implemented medium of claim 38, wherein the active message script is executed at the remote application server, the method further comprising software for re-formatting the active message script at the active message gateway before transmitting the active message

script to the remote application server (e.g., Internet; content service provider) for execution (see col. 17, lines 7-45,63-67; Fig. 7), where the SMS messages are re-formatted for HTML code communication with an internet server for requesting of information via the mobile terminal.

Regarding **claim 41**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 36), in addition Alanara further discloses the computer-implemented medium of claim 36, further comprising:

software for determining whether the active message script is to be executed locally by the active message gateway (SERV) or remotely by another mobile telephone (MS2) (see col. 6, lines 29-34; col. 14, lines 13-38; Figs. 1 and 8); and

software for executing the active message script at the active message gateway (SERV) or at the other mobile telephone (MS2) according to the determination (see col. 6, lines 29-34; col. 14, lines 13-38; Figs. 1 and 8-11).

Regarding **claim 42**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 36), in addition Alanara further discloses the computer-implemented medium of claim 36, further comprising a GetServiceList active message command data structure for returning to the mobile telephone (1) a list of services available through the active message gateway (SERV) (see col. 10, lines 31-38; col. 10, line 48 - col. 11, line 12; col. 11, lines 38-42).

Regarding **claim 43**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 36), in addition Alanara further discloses the computer-implemented medium of claim 36, further comprising a GetService active message command

data structure for providing a request for a particular service via the active message gateway (SERV) (see col. 10, lines 1-10; Figs. 8 and 10-11).

Regarding **claim 44**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 36), in addition Alanara further discloses the computer-implemented medium of claim 36, further comprising an InstallService active message command data structure that functions to obtain active message script for a service and install the active message script on the mobile telephone (1) (see col. 10, lines 31-38; col. 10, line 48 - col. 11, line 12).

Regarding **claim 45**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 36), in addition Alanara further discloses the computer-implemented medium of claim 36, further comprising a GetUserList active message command data structure for returning a list of users available through the active message gateway (see col. 7, lines 7-52; Fig. 6).

Regarding **claim 46**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 36), in addition Alanara further discloses the computer-implemented medium of claim 36, further comprising a GetUser active message command data structure for returning information about, or establishing a connection with, a user available through the active message gateway (SERV) (see col. 10, lines 19-25).

Regarding **claim 50**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 36), in addition Alanara further discloses the computer-readable medium of claim 36, wherein the short text messaging system further comprises:

software for accessing the installed applications from a phone menu associated with the mobile telephone (1) (see col. 10, lines 1-4, 12-16, 19-21, 26-33; col. 10, line 42 - col. 11, line 12; Figs. 7 and 10-11);

software for executing the installed application at least one of in part or entirely on the mobile telephone (1) (see col. 10, lines 1-4, 12-16, 19-21, 26-33; col. 10, line 42 - col. 11, line 12; Figs. 7 and 10-11), where the user can select applications such as travel, service, and/or phone application that accessible and executed via a menu.

Regarding **claim 51**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 36), in addition Alanara further discloses the computer method of claim 30, further comprises:

accessing the at least one installable application from a phone menu associated with the mobile telephone (1) (see col. 10, lines 1-4, 12-16, 19-21, 26-33; col. 10, line 42 - col. 11, line 12; Figs. 7 and 10-11);

executing the at least one installed application at least in part on the mobile telephone (1) (see col. 10, lines 1-4, 12-16, 19-21, 26-33; col. 10, line 42 - col. 11, line 12; Figs. 7 and 10-11), where the user can select applications such as travel, service, and/or phone application that accessible and executed via a menu.

Claims 15 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Alanara et al.** (hereinafter Alanara) (**US 6,292,668 B1**) in view of **Comer** (**US 5,610,973**).

Regarding **claim 15**, Alanara discloses the computer-readable medium of claim 10 in which the active message script includes text strings, wherein all text strings are prefixed

with their byte-size (see col. 12, lines 62-64; col. 13, line 9; col. 14, line 13-25; col. 6, lines 12-41; Figs. 4A-5), where the scripts are text strings of command sequences in which the fields of the frames have particular bit/byte size. Alanara fails to disclose having the features of the script including jumps; all jumps are made to specific byte locations within the script. However, the examiner maintains that the features of the script including jumps; all jumps are made to specific byte locations within the script was well known in the art, as taught by Comer.

In the same field of endeavor, Comer discloses the features of the script including jumps; all jumps are made to specific byte locations within the active message script (see col. 22, lines 42-47; col. 24, lines 57-60; col. 24, line 24 - col. 25, line 2; Fig. 7 “200”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Alanara and Comer to have the features of the script including jumps; all jumps are made to specific byte locations within the script, in order to provide scripts with jump commands to labels, as taught by Comer.

Regarding **claim 27**, Alanara discloses every limitation claimed as applied above in claim 17. Alanara discloses does not specifically disclose having the feature further including a goto instruction associated with the instruction field for directing execution of the active message script to jump to a specified byte location in the script, and a byte address flag associated with the address field for identifying the byte location for the script to jump to. However, the examiner maintains that the feature further including a goto instruction associated with the instruction field for directing execution of the active message script to jump to a specified byte location in the script, and a byte address flag associated with the

address field for identifying the byte location for the script to jump to was well known in the art, as taught by Comer.

Comer further discloses the feature further including a goto instruction associated with the instruction field for directing execution of the active message script to jump to a specified byte location in the script, and a byte address flag associated with the address field for identifying the byte location for the script to jump to (see col. 22, lines 42-47; col. 24, lines 57-60; col. 24, line 24 - col. 25, line 2; Fig. 7 "200").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Alanara and Comer to have the feature further including a goto instruction associated with the instruction field for directing execution of the active message script to jump to a specified byte location in the script, and a byte address flag associated with the address field for identifying the byte location for the script to jump to, in order to provide scripts with jump commands to labels, as taught by Comer.

Claims 18-21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Alanara et al.** (hereinafter Alanara) (**US 6,292,668 B1**) in view of **Chen et al.** (hereinafter Chen) (**US 2003/0054810 A1**).

Regarding **claim 18**, Alanara as applied to claim 17 discloses a including a print instruction associated with the instruction field for printing a text string (command sequence), destination flags associated with the flag field specifying whether the text string is to be printed to from a memory buffer (14) (see col. 11, line 64 - col. 12, line 20; col. 12,

lines 62-64; col. 16, lines 1-12; Figs. 7 and 10-11). Alanara fails to disclose having the feature another text string associated with the data field and representing the text string. However, the examiner maintains that the feature another text string associated with the data field and representing the text string was well known in the art, as taught by Chen.

In the same field of endeavor, Chen discloses the feature another text string associated with the data field and representing the text string (see Figs. 12, 15), where a text string is displayed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Alanara and Chen to have the feature another text string associated with the data field and representing the text string, in order to display a text string, as taught by Chen.

Regarding **claim 19**, Alanara as applied to claim 17 discloses an input instruction associated with the instruction field for printing a text string and requesting input from a user, content identification flags associated with the flag field optionally specifying the text string is to be printed (see col. 2, lines 65-67; col. 11, line 64 - col. 12, line 20; col. 12, lines 62-64; Figs. 7 and 10-11). Alanara does not specifically disclose having the feature another text string associated with the data field and optionally representing the text string to be printed. However, the examiner maintains that the feature another text string associated with the data field and optionally representing the text string to be printed was well known in the art, as taught by Chen.

Chen further discloses the feature another text string associated with the data field and optionally representing the text string to be printed (see Figs. 12, 15), where a text string is displayed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Alanara and Chen to have the feature another text string associated with the data field and optionally representing the text string to be printed, in order to display a text string, as taught by Chen.

Regarding **claim 20**, Alanara as applied to claim 17 discloses further including a select instruction associated with the instruction field for printing a plurality of text strings, destination flags associated with the flag field specifying a location to which a user selection is to be returned (see col. 11, line 64 - col. 12, line 20; col. 12, lines 62-64; col. 16, lines 1-12; Figs. 7 and 10-11). Alanara does not specifically disclose having the feature of plural text strings associated with the data field and representing the plural text string to be printed. However, the examiner maintains that the feature of plural text strings associated with the data field and representing the plural text string to be printed was well known in the art, as taught by Chen.

Chen further discloses the feature of plural text strings associated with the data field and representing the plural text string to be printed (see Figs. 12, 15), where a text string is displayed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Alanara and Chen to have the feature

plural text strings associated with the data field and representing the plural text string to be printed, in order to display a text string, as taught by Chen.

Regarding **claim 21**, Alanara as applied to claim 17 discloses further including a condition instruction associated with the instruction field for comparing a pair of condition strings and jumping to a specified address when the pair of condition strings satisfies a predefined condition, flags associated with the flag field optionally specifying one of the condition strings and optionally specifying the predefined condition (see col. 2, lines 65-67; col. 11, line 64 - col. 12, line 20; col. 12, lines 62-64; Figs. 7 and 10-11), where the user is able to selecting between time comparisons conditions in which the jumping to the returned information slot would be obvious. Alanara does not specifically disclose having the feature a text string associated with the data field and optionally representing one of the condition strings. However, the examiner maintains that the feature a text string associated with the data field and optionally representing one of the condition strings was well known in the art, as taught by Chen.

Chen further discloses the feature a text string associated with the data field and optionally representing one of the condition strings (see Figs. 12, 15), where a text string is displayed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Alanara and Chen to have the feature a text string associated with the data field and optionally representing one of the condition strings, in order to display a text string, as taught by Chen.

Regarding **claim 23**, Alanara as applied to claim 17 discloses further including a call instruction associated with the instruction field for initiating a telephone call, destination flags associated with the flag field optionally specifying a telephone number for the telephone call (see col. 11, lines 36-38,58-61; col. 7, lines 34-41; col. 7, line 57 - col. 8, line 14). Alanara does not specifically disclose having the feature a text string associated with the data field and optionally specifying a telephone number for the telephone call. However, the examiner maintains that the feature a text string associated with the data field and optionally specifying a telephone number for the telephone call was well known in the art, as taught by Chen.

Chen further discloses the feature a text string associated with the data field and optionally specifying a telephone number for the telephone call (see Figs. 12, 15), where a text string is displayed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Alanara and Chen to have the feature a text string associated with the data field and optionally specifying a telephone number for the telephone call, in order to display a text string, as taught by Chen.

Claims 34, 40, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Alanara et al.** (hereinafter Alanara) (**US 6,292,668 B1**) in view of **Zhang et al.** (hereinafter Zhang) (**US 7,082,312 B2**) as applied to claims 30 and 36 above, and further in view of **Chen et al.** (hereinafter Chen) (**US 2003/0054810 A1**).

Regarding **claim 34**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 30), in addition Alanara further discloses the active message script is re-formatted (see col. 19, lines 24-31), where the formatting of SMS to a markup language such as HTML is done when communicating with the internet. Alanara does not specifically disclose having the feature of re-formatted into an XML file format. However, the examiner maintains that the feature of re-formatted into an XML file format was well known in the art, as taught by Chen.

Chen further discloses the feature of re-formatted into an XML file format (see pg. 3, [0045]; pg. 4, [0062]; pg. 10, [0136]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Alanara, Zhang, and Chen to have the feature of re-formatted into an XML file format, in order to allow communications with various protocols and to retrieve information from XML files or databases, as taught by Chen.

Regarding **claim 40**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 36), in addition Alanara further discloses the active message script is formattable (see col. 19, lines 24-31), where the formatting of SMS to a markup language such as HTML is done when communicating with the internet. Alanara does not specifically disclose having the feature of formattable into an XML file format. However, the examiner maintains that the feature of formattable into an XML file format was well known in the art, as taught by Chen.

Chen further discloses the feature of formattable into an XML file format (see pg. 3, [0045]; pg. 4, [0062]; pg. 10, [0136]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Alanara, Zhang, and Chen to have the feature of formattable into an XML file format, in order to allow communications with various protocols and to retrieve information from XML files or databases, as taught by Chen.

Regarding **claim 47**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 36), in addition Alanara further discloses the feature a designated user to a list of selected users maintained in association with the mobile telephone (1) (see col. 7, lines 7-52; Figs. 3, 6). Chen does not specifically disclose having the feature an AddUser active message command data structure for adding. However, the examiner maintains that the feature an AddUser active message command data structure for adding was well known in the art, as taught by Chen.

Chen further discloses the feature an AddUser active message command data structure for adding (see Fig. 10A), where the figure displays “Add Buddy”.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Alanara, Zhang, and Chen to have the feature an AddUser active message command data structure for adding, in order add a buddy, as taught by Chen.

Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Alanara et al.** (hereinafter Alanara) (**US 6,292,668 B1**) in view of **Zhang et al.** (hereinafter Zhang) (**US 7,082,312 B2**) as applied to claims 36 above, and further in view of well known Admitted prior art (MPEP 2144.03) which is hereby supported by Admitted Prior Art (hereinafter Art) (**Detailed Description**).

Regarding **claim 48**, the combination of Alanara and Zhang discloses every limitation claimed, as applied above, (see claim 36), in addition Alanara further discloses the feature of a user from a list of selected users maintained in association with the mobile telephone (1) (see col. 7, lines 7-52; Figs. 3, 6); a SendActiveMessage active message command data structure for sending a short text message that includes active message script (see col. 6, lines 29-45), where the user of the terminal is able to send and receive messages; a SendMessage active message command data structure that sends a short text message that does not include active message script (see col. 5, lines 10-16; Fig. 1), where the user of the terminal is able to send and receive messages. The combination of Alanara and Zhang does not specifically disclose the feature of a DeleteUser active message command data structure that deletes a user. However, the examiner takes official notice of the fact that it was well known in the art to have the feature of a DeleteUser active message command data structure that deletes a user.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Alanara and Zhang by specifically providing the feature of a DeleteUser active message command data structure that deletes a user, for the purpose of deleting a user from a list.

Additionally, to address as further support of the Examiner taking official notice of the fact that it was well known in the art to have the feature(s) “a DeleteUser active message command data structure that deletes a user”. Art specifically discloses the feature(s) a DeleteUser active message command data structure that deletes a user (see paragraph [0091] bridging pgs. 28-29), where the deleting of a user is a conventional format that is implemented.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Alanara and Zhang with Art by specifically having the feature(s) “a DeleteUser active message command data structure that deletes a user”, for the purpose of deleting a user from a list, as taught by Art (see par. [0091] bridging pgs. 28-29).

Response to Arguments

10. Applicant's comments with respect to claims 1, 3-48, and 50-51 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amended language and/or new limitations.

In response to applicant's comments, the Examiner respectfully disagrees as the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations and comments in this section).

11. Regarding claim 48, see item 14 of the office action mailed 26 January 2009 and item 8 of the office action mailed 16 July 2008.

12. The Examiner requests applicant to provide support (e.g., page(s), line(s), and drawing(s) as well as comments) for any further amended claim language.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIE J. DANIEL JR whose telephone number is (571)272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

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/WJD,Jr/

WJD,Jr

02 November 2009

/Charles N. Appiah/

Supervisory Patent Examiner, Art Unit 2617